

Applicant: Blodgett
Serial No.: 10766,267

PATENT
Atty. Docket: 18393-512

Remarks/Arguments

This Amendment is filed in response to the Office Action mailed August 9, 2005. In this Amendment, claims 1, 11, and 19 have been amended. Claims 1-26 are pending in this application.

In the Office Action, claims 1-26 are rejected on prior art grounds. For the reasons stated below, however, the rejections are hereby traversed.

Previously Submitted Declaration Under 37 CFR 1.131

The Applicant acknowledges the withdrawal of the McManus et al. reference and wishes to thank the Examiner for this withdrawal.

Claim Rejections 35 U.S.C. § 102

Claims 1-2, 8-14, 19-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,338,523 to *Rasmussen*. Claims 1, 2, 4-6, 8-12, 15-17, 19, 20, and 23-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,797,880 to *Pezzaglia*. For the reasons set forth below, this rejection is hereby traversed.

Paragraph 15 of the current application briefly describes some advantages of one of the preferred embodiments of the present invention:

[0015] One of the problems encountered with large sized slide-out rooms with flush floor sections and sidewall sections is that large loads may cause undesired flexing of the slide-out extension mechanism. Excessive complexity, expense, and weight is reduced by preferentially increasing the rigidity of the slide-out mechanism where needed. It has been determined that existing slide-out extension mechanisms are usually sufficiently rigid in the x-y direction but require additional rigidity in the z direction. For support rails having a rectangular-shaped cross

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section, bending rigidity in the z direction is primarily dependent upon the thickness of the vertically oriented walls, while bending rigidity in the z-y directions is primarily dependent upon the thickness of the horizontally oriented walls. In the present invention, the combined thickness of the vertically oriented walls is increased by providing support rails including a first tube attached to a second tube, wherein the thickness of the horizontally oriented walls is not increased. With the twin tube configuration, standardized tubes having a uniform wall thickness may be utilized instead of a single tube configuration which requires a costly, custom fabricated tube with differing horizontal and vertical wall thicknesses. The combined thickness of the vertically oriented walls is further increased by providing a gear rack with a wall portion disposed between the first tube and the second tube.

In this regard, The invention as set forth in amended claim 1 is directed to a novel slide-out mechanism comprising a frame; said frame comprising at least one first frame member and at least one second frame member, said at least one second frame member being movable relative to said at least one first frame member; said second frame member comprised of a first support rail and a second support rail, said first and second support rails being fixedly connected to each other in a horizontal plane such that a load encountered by said second frame member is distributed laterally across said first and second support rails; and, a floor structure connected to said second frame member.

The Examiner asserts that claim 1 is anticipated by the *Rasmussen* patent by teaching the arrangement of frame members 380 or 390 as seen in Figures 19A and 19B. However, the *Rasmussen* patent cannot be properly relied upon as anticipating the invention as recited in amended claim 1. For example, the *Rasmussen* patent fails at least to show first and second support rail being fixedly connected to each other in a horizontal plane such that a load encountered by said

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second frame member is distributed laterally across the first and second support rails.

In both Figures 19A and 19b, *Rasmussen* illustrates an upper rail disposed on top of a lower rail where only the lower rail engages the gearing of the slide-out mechanism. The upper rail and lower rail are not connected to each other in a horizontal plane as claimed. Moreover, the lower slider rail directly supports the vertical weight received by the upper rail and therefore the weight is not distributed across a first and second support rail as also recited in amended claim 1. Thus, the *Rasmussen* design will not provide, for example, the advantages seen in one preferred embodiment set forth in paragraph 15 above.

The Examiner asserts that claim 1 is also anticipated by the *Pezzaglia* patent by teaching a frame member from which a first section telescopes in and out. Further, a second section telescopes into and out of the first section, thereby allowing each section to separately telescope. However, these two sections are not connected to each other in a horizontal plane as claimed. Moreover, while the arrangement in *Pezzaglia* may vertically transfer weight from one section to another so as to allow one section to directly support another, it does not distribute the weight across a first and second support rail, as also claimed in amended claim 1. Thus, the *Pezzaglia* design will not provide, for example, the advantages seen in one preferred embodiment set forth in paragraph 15 above.

Thus, for at least these reasons, the *Rasmussen* patent and the *Pezzaglia* patent fail to anticipate amended claim 1. It is also submitted that the *Rasmussen* patent and the *Pezzaglia* patent do not separately or in combination render the invention obvious.

Turning to Claims 2, 4-6 and 8-10, these claims depend from amended claim 1 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

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The presently claimed invention as set forth in claim 11 is directed to a novel method of moving a slide-out compartment on a vehicle comprising providing a slide out frame having at least two stationary members and at least two movable members; urging said at least two movable members outwardly from the vehicle; and, distributing a weight of said slide out compartment over at least two longitudinally extending support rails which are laterally joined to each other and which are included as part of each of said at least two movable members.

The Examiner asserts that claim 11 is anticipated by the *Rasmussen* patent by teaching the arrangement of frame members 380 or 390 as seen in Figures 19A and 19B. However, the *Rasmussen* patent cannot be properly relied upon as anticipating the invention as recited in claim 11. For example, the *Rasmussen* patent fails at least to show distributing a weight of said slide out compartment over at least two longitudinally extending support rails which are laterally joined to each other and which are included as part of each of said at least two movable members.

In both Figures 19A and 19b, *Rasmussen* illustrates an upper rail disposed on top of a lower rail where only the lower rail engages the gearing of the slide-out mechanism. These rails are not laterally joined to each other as claimed. Moreover,, the lower slider rail may be directly and vertically supporting the weight received by the upper rail but not distributing the weight over at least two longitudinally extending support rails as also recited in amended claim 11. Thus, the *Rasmussen* design will not provide, for example, the advantages seen in one preferred embodiment set forth in paragraph 15 above.

The Examiner also asserts that claim 11 is anticipated by the *Pezzaglia* patent by teaching a frame member from which a first section telescopes into and out of. Further, a second section telescopes into and out of the first section, therefore allowing each section to separately telescope. These sections, however, are not laterally joined to each other as recited in amended claim 11. Moreover, while the arrangement in *Pezzaglia* may transfer weight vertically from one section

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to another so as to allow one section to directly support another, it does not include distributing the weight over at least two longitudinally extending support rails as also recited in amended claim 11. Thus, the *Pezzaglia* design will not provide, for example, the advantages seen in one preferred embodiment set forth in paragraph 15 above.

Thus, for at least these reasons, the *Rasmussen* patent and the *Pezzaglia* patent fail to anticipate claim 11. It is also submitted that the *Rasmussen* patent and the *Pezzaglia* patent do not separately or in combination render the invention obvious.

Turning to Claims 12-14 and 15-17, these claims depend from claim 11 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

The presently claimed invention as set forth in claim 19 is directed to a novel method of moving a slide-out compartment on a vehicle comprising providing a slide out frame having a stationary member and a movable member; urging said movable member outwardly from the vehicle; and, distributing a weight of said slide out compartment over at least two longitudinally extending support rails which are fixed to each other in a lateral direction and which are included as part of said movable member.

The Examiner asserts that claim 19 is anticipated by the *Rasmussen* patent by teaching the arrangement of frame members 380 or 390 as seen in Figures 19A and 19B. However, the *Rasmussen* patent cannot be properly relied upon as anticipating the invention as recited in amended claim 19. For example, the *Rasmussen* patent fails at least to show distributing a weight of said slide out compartment over at least two longitudinally extending support rails which are fixed to each other in a lateral direction and which are included as part of said movable member.

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As previously discussed, in both Figures 19A and 19b, *Rasmussen* illustrates an upper rail disposed on top of a lower rail where only the lower rail engages the gearing of the slide-out mechanism. These rails are not fixed to each other in a lateral direction as recited in amended claim 19. Moreover, the lower slider rail may be directly supporting the weight vertically received by the upper rail but not distributing the weight of a slide out compartment over the at least two longitudinally extending support rails as also recited in amended claim 19. Thus, the *Rasmussen* design will not provide, for example, the advantages seen in one preferred embodiment set forth in paragraph 15 above.

The Examiner also asserts that claim 19 is anticipated by the *Pezzaglia* patent by teaching a frame member from which a first section telescopes into and out of. Further, a second section telescopes into and out of the first section, therefore allowing each section to separately telescope. Neither of these sections, however are fixed to each other in a lateral direction. Moreover, while the arrangement in *Pezzaglia* may vertically transfer weight from one section to another so as to allow one rail to directly support another, it does not include distributing the weight of a slide out compartment over at least two longitudinally extending support rails as also recited in amended claim 19. Thus, the *Pezzaglia* design will not provide, for example, the advantages seen in one preferred embodiment set forth in paragraph 15 above.

Thus, for at least these reasons, the *Rasmussen* patent and the *Pezzaglia* patent fail to anticipate claim 19. It is also submitted that the *Rasmussen* patent and the *Pezzaglia* patent do not separately or in combination render the invention obvious.

Turning to Claims 20-22 and 23-25, these claims depend from claim 19 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

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Dependent claims 4-5, 15-17, and 23-25 stand rejected under 35 U.S.C. § 103(a) based on the *Rasmussen* patent in view of U.S. Patent Number 6,416,136 to *Smith*. These claims depend from independent claims 1, 11, and 19 and are patentable for at least the reasons previously put forth in connection with these independent claims. Hence, the Applicant respectfully requests the withdrawal of the rejection of these claims and an indication of allowability. However, it is noted that these dependent claims further limit the claimed invention as thus are patentable over and above their precursor independent claims.

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Conclusion


In view of the foregoing, it is submitted that all claims after entry of this amendment are in condition for allowance.

If any questions or issues arise that are more easily addressed by the Examiner through direct communication with the undersigned, the Examiner is cordially to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: 11/9/05


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